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Office of Campaign and Political Finance

One Ashburton Place, Room 411

Boston, MA 02108

Advisory Opinion

March 10, 2006

AO-06-05

Lisa Valone
38 High Rock Road
Wayland, MA 01778

Re: Wayland Advocacy Groups

Dear Ms. Valone:

This letter is in response to your recent e-mail that requested an advisory opinion.

You have stated that you are planning to form some groups in Wayland, Massachusetts. Last year, you organized a ballot question committee, Save Our Services (“SOS”), which has dissolved. You stated that your mission is to preserve and strengthen all town services, a sense of equity, spirit of volunteerism and community conversation. The group’s focus will include obtaining state and federal aid, tax reform, and private grants. In addition, you describe the group as an ongoing organization, which will advocate for the override, the warrant article at town meeting and also for a zoning bylaw.

QUESTION: How would you set up an association that addresses these ongoing issues?

ANSWER: Individuals may form a group separate from a political committee to provide information to citizens about public policy issues. Such “issues groups” have no filing requirements with the town clerk as long as you are not involved in supporting or opposing a ballot question, a candidate or candidates or a political party. An ongoing issues group would not be subject to the campaign finance law.

If such an association does not solicit funds to promote or oppose a ballot question, it may make expenditures to support or oppose a ballot question from the association’s general treasury without having to organize a ballot question committee. See IB-95-02. If the association does make expenditures to support or oppose a municipal ballot question, however, such expenditures would be disclosed pursuant to M.G.L. c. 55, § 22, on Form M22 “Report of Ballot Question Expenditures By a Corporation or Organization Municipal Form.” If the association, in addition to making expenditures, also solicits or receives funds to support or oppose a municipal ballot question, it must then form a separate ballot question committee. See M.G.L. c. 55, § 1 and OCPF IB-90-02.

Unlike a ballot question committee or PAC,¹ an issues group would not be subject to the reporting requirements and limits that apply to political committees. Therefore, an issues group is not subject to the limits and prohibitions of the Massachusetts campaign finance law.

QUESTION: How do you go about forming a municipal ballot question committee and what are the reporting requirements?

ANSWER: A municipal ballot question committee is a political committee organized specifically to favor or oppose a specific and identifiable ballot question or questions. Municipal ballot question committees raise money to support or oppose a ballot question. A municipal ballot question committee must file a Statement of Organization with the town clerk. Additionally, a municipal ballot question committee must file campaign finance reports with the town clerk no later than eight days prior to the election and thirty days after the election. See M.G.L. c. 55, §§ 1, 6B and enclosed *Campaign Finance Guide: Municipal Ballot Question Committees*. Ballot question committees must dissolve after a final determination is made by the voters on the question for which the committee was organized.

QUESTION: What happens if a ballot question committee and an issues group, Waylanders for Smart Growth (“Waylanders”), want to produce and distribute a joint marketing piece? The marketing piece is intended to influence both town meeting and the ballot question. Note that Waylanders will be working on town meeting issues and the override election is two days before town meeting.

ANSWER: They may do this. Waylanders may pay for one-half of the total cost of the marketing piece without filing a disclosure report with the town clerk. If, on the other hand, it were to pay more than one-half of the total cost, the additional amount spent would be considered an expenditure to support the ballot question, and a Form M22 would need to be filed with the town clerk to reflect such additional expenditure.

The ballot question committee would disclose its expenditures in accordance with the committee’s reporting requirements.

QUESTION: May the issues group and the ballot question committee share the same name and website?

ANSWER: To avoid confusion, you should establish different names for the ballot question committee and issues group. The website may be shared, but if it is shared, the ballot question committee’s solicitations for contributions must be separate from any solicitations from the issues group.

¹ A political action committee, or PAC, is a committee organized to support candidates. See M.G.L. c. 55, § 1. In contrast, a ballot question committee is organized to support or oppose a specific ballot question.

We appreciate your interest in the campaign finance law. This opinion is based on the representations in your correspondence and is issued solely within the context of the Massachusetts campaign finance law.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Sincerely,

A handwritten signature in black ink, reading "Michael J. Sullivan", followed by a vertical line.

Michael J. Sullivan
Director

MJS/sh
Enclosure